

(R-93-1894)

RESOLUTION NUMBER R-281717

ADOPTED ON MARCH 30, 1993

WHEREAS, Roman Catholic Bishop of San Diego, Owner/Permittee, filed an application to amend a conditional use permit to construct, operate and convert an existing 80,000 square-foot chapel and convent to use as a Pastoral Center for the Roman Catholic Diocese of San Diego located at 3889 Paducah, described as Villa Marina, Unit #1, Lots 1-11 (Record of Survey 6224, Division Plat 73, Subdivision 4550), in the Clairemont Community Plan Area, in the R1-5000 zone; and

WHEREAS, on January 7, 1993, the Planning Commission of The City of San Diego considered and denied Conditional Use Permit No. 92-0315 amending Conditional Use Permit No. C-4655, pursuant to Section 101.0510 of the San Diego Municipal Code; and

WHEREAS, Vincent Whelan of the Diocese of San Diego, by Paul E. Robinson, Attorney, appealed the decision of the Planning Commission and the City Council hereby desires to grant the appeal and approve the Amendment; and

WHEREAS, the matter was set for public hearing on March 30, 1993, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Conditional Use Permit No. 92-0315:

1. The proposed use will not adversely affect the neighborhood, the General Plan or the Clairemont Community Plan, and if conducted in conformity with the conditions provided by the permit, will not be detrimental to the health, safety and general welfare of persons residing or working in the area.

2. The proposed use will comply with all the relevant regulations in the San Diego Municipal Code.

3. Conditions have been imposed in the Amended Conditional Use Permit which will minimize possible impacts on the community, including, but not limited to types of permitted uses, parking, hours of operation, noise, lighting, and landscaping, which conditions will in fact create a positive impact in the neighborhood.

4. Alternative uses for the site might include up to fifty (50) residential units, or a church, or a private school, or a day care center, or a convalescent facility, any of which could have potentially adverse impacts on the neighborhood, and which uses could be less compatible with the area than the proposed uses.

5. Use of the existing religious facility to serve the religious, administrative and educational needs of the Catholic Diocese will permit retention of the attractive structures on the site in substantially the same physical form, but in enhanced condition, will be a benefit to the neighborhood and to the City,

and in fact the project, as conditioned, will be compatible with the neighborhood.

6. Enhanced landscaping proposed for the site will be a benefit to the neighborhood and to the City.

7. The Clairemont Mesa Community Planning Group recommends approval of the amendment to the Conditional Use Permit.

8. This project, as conditioned, will fully protect the health, safety and general welfare of all persons who live or work in the area.

9. This project, as conditioned, incorporates the highest standards of site planning, architecture, environmental protection, and serviceability to the neighborhood character.

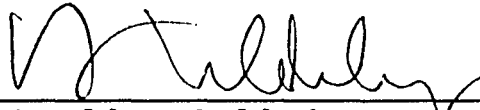
10. Hundreds of letters, signatures on petitions, and telephone calls from residents in the area and in the City have been received in the various Council offices, the Mayor's office, and the City Clerk's office, in support of the Pastoral Center at this location.

Said findings are supported by testimony, written evidence, reports, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of Vincent Whelan of the Diocese of San Diego, by Paul E. Robinson, Attorney, is granted; the decision of the Planning Commission is overturned, and Conditional Use Permit No. 92-0315 is hereby granted to Roman

Catholic Bishop of San Diego, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 

Harold O. Valderhaug
Chief Deputy City Attorney

HOV:lc
06/10/93
Or.Dept:Clerk
R-93-1894
Form=r.permit

CONDITIONAL USE PERMIT NO. 92-0315
(AMENDING CUP NO. C-4655)
PASTORAL CENTER

CITY COUNCIL

This Conditional Use Permit is granted by the Council of The City of San Diego to the Roman Catholic Bishop of San Diego, Owner/Permittee, pursuant to Section 101.0510 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to convert an existing 80,000 square-foot chapel and convent to use as a pastoral center for the Roman Catholic Diocese of San Diego, located at 3888 Paducah Drive, described as Villa Marina, Unit #1, Lots 1-11 (record of Survey 6224, Division PU No. 73, Subdivision 4550), in the R1-5000 zone.
2. The facility shall consist of the following:
 - a. Pastoral offices, the Bishop's residence suite, a chapel, religious seminar and religious class facilities, and storage;
 - b. Landscaping;
 - c. Off-street parking; and
 - d. Accessory uses as may be determined incidental and approved by the Planning Director.
3. No fewer than 180 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated March 30, 1993, on file in the office of the Planning Department. Parking spaces shall be consistent with San Diego Municipal Code Chapter X, Article 1, Division 8, and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use. All parking for religious seminars (retreats), events and classes must be maintained on-site. On-street parking will not be allowed as anytime.
4. No permit for construction, operation, occupancy of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:
 - a. The Permittee signs and returns the permit to the Planning Department;

- b. The Conditional Use Permit is recorded in the office of the County Recorder.
5. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated March 30, 1993, on file in the office of the Planning Department. No changes, modifications or alterations shall be made unless appropriate applications, findings of substantial conformance or amendment of this permit shall have been granted.
6. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated March 30, 1993, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended and shall be maintained in a disease-, weed- and litter-free condition at all times.
7. All outdoor lighting shall fully comply with City ordinances and shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.
8. Specific restrictions on use are as follows:
- a. The Pastoral offices shall be open only between the hours of 8:30 a.m. to 4:30 p.m., Monday through Friday.
 - b. Any evening use shall be limited to the hours of 5:30 p.m. to 9:00 p.m.
 - c. There shall be no overnight retreats or activities.
 - d. The Diocese will not expand the monastery or add other buildings on the site.
 - e. The Diocese will not conduct social service outreach activities on the Pastoral Center site.
 - f. The Pastoral Center will not be used as a base for central purchasing or warehousing for the Diocese.
 - g. The Pastoral Center will limit activities so that there will be parking only in 180 on-site parking spaces.
9. This Conditional Use Permit must be used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in

Section 101.0510(K) of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time of extension is applied for.

10. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
11. After establishment of the project, the property shall not be used for any other purposes unless:
 - a. Authorized by the Planning Commission; or
 - b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
 - c. The permit has been revoked by the City.
12. This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.
13. This Conditional Use Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents. Notwithstanding the foregoing, this Conditional Use Permit may not be utilized by any person or entity other than the Roman Catholic Diocese of San Diego for the purposes set forth therein; and provided further, this Conditional Use Permit may not be assigned or transferred to any person or entity without the consent of the City Council by duly adopted resolution after the noticed hearing and appropriate environmental review.
14. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.
15. In the event that any condition of this permit, on a legal challenge by the Owner/Permittee of this permit, is found or held by court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void.

Passed and adopted by the Council of The City of San Diego on March 30, 1993, by Resolution No. R-281717.

Passed and adopted by the Council of The City of San Diego on MAR 30 1997
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By Branda B. Barnes, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-281717 Adopted MAR 30 1997